



## REQUEST FOR CONTINUED EXAMINATION

12/17/09

INVENTOR: James E. Barnett

APPLICATION #: 10/812,107

Mr. Evan Langdon,

In the material which follows, I will attempt to lay the groundwork to address the concerns which you expressed in your Office Action Summary dated 10/16/09. At the conclusion of this material, I will include amended claims for you consideration.

The art claimed by Panzarella et. al (US 7,458,760) and Sullivan (US 3,671,015) apply to hoists which are used to lift items. Both Panzarella and Sullivan provide for a base which supports the hoists which are used for lifting items. In the instance of Sullivan, the intended surface (as directed in the Abstract) to which the base will be attached is a roof or deck. In the instance of Panzarella the art discloses a base which is attachable to a mounting surface which is intended to be some sort of floor surface of a vehicle.

Sullivan requires no capacity to pivot the tubular legs on his base since a static base provides the greatest strength for his device's intended purpose. The extendable nature of tubular legs provides for selection of a preferred point at which to attach the base to either a roof or a deck.

Panzarella has modified his base over an earlier design (US 7,377,740) by replacing fixed legs which are extendable with non-extending bars which are pivotal. The intent here is to enable the apparatus to adapt to the various features of the vehicle into which the apparatus is to be mounted.

In both cases, the bases are mounted to flat surfaces into which means for securing the apparatus base are inserted (drilled holes for bolts—Panzarella; nails or lag bolts—Sullivan). In neither case are the means of attachment (base, legs, bars, bolts, lag bolts, nails) required to conform to pre-existing holes in the surface upon which they are to be mounted.

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The art work which I seek to claim **must** adapt to predefined points of attachment, that is to say, the pre-existing holes of a flange which have been used to secure a lid for the flange or a mating flange attached to a pipe or other object. Panzarella and Sullivan present art in which the holes for attachment are made to conform to the base of the apparatus. My work presents art in which the base of the apparatus will conform to the pre-existing holes in a flange.

The only way that the base of Sullivan's apparatus could attach to a flange is if it were constructed in such a manner that the holes (50) and the distance between the legs (6) would conform to the circumference of a particular flange and the spacing of the pre-existing holes in the particular flange.

The only way that Panzarella's apparatus could attach to a flange is if it were constructed in such a manner that the length of the bars and the holes (28 and 13) conformed to the circumference of a particular flange and the spacing of the pre-existing holes in a particular flange.

Therein lay the problems contained in the existing art. No existing art provides for a base which will attach to **any** sized flange with pre-existing holes of any number or spacing. (Flanges exist in a large variety of sizes as defined by the particular application. They can range in diameter from 18" to over 60". The flange lip also varies in size, from say, 3 inches to over 6" in width; thickness or depth also varies. This means that the surface to which a base attaches is very limited in scope -- say the surface as defined by two concentric circles 4" apart. The number of pre-existing holes depends on what is attached to the flange and any pressure which might be applied to the lid or attachment on the flange. High pressure vessels would require more bolts to secure the lid necessitating more holes to exist.) Why is it necessary to have a base which will attach to **any** sized flange with pre-existing holes of any number or spacing? In industrial

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settings, flanges of all sizes and hole spacing can be found, and to manufacture flange specific bases would be cost prohibitive (i.e. - one base per each sized flange and various hole spacings in the facility). Further, there is no need to have the base and hoist mounted in a permanent fashion. Most of the time, either a lid or mating flange facing with piping would be attached to the particular flanges. The necessity of hoisting from a vessel through an opening which contains a flange would only be from time to time as repairs or upgrades were necessary to a particular vessel to which the flange is attached. This means that multiple bases (to attach to multiple flanges) would be required and storage becomes an issue as well as cost.

My work only seeks to claim a very narrow field of art. Firstly it applies only to a base. Secondly, it applies only to a base which can be attached to flanges of varying sizes. Thirdly this attachment is accomplished through extending members which can fluidly move longitudinally and latitudinally allowing for the holes in the extending members to align with the pre-existing holes in the flanges.

The bases of Sullivan and Panzarella provide for what I would call "singular" range of motion. Sullivan's base provides for longitudinal movement (in and out extension of legs) to particular points on a longitudinal line. Panzarella provides for radial movement, that is to say, movement of bars(14) which define points of potential mounting contact along the line of an arch. My art provides for what I would call "dynamic" range of motion. The design provides movement which allows for mounting contact at a wide range of coordinates along latitudinal and longitudinal axis. (See drawing labeled FIG.20) (FIG. 20a demonstrates the size of various openings which constitute the internal circumference of the flange.)

It is my stipulation that this type of design is not self evident in Sullivan or Panzarella. It is true that some component parts are the same (a base with legs or bars). Even so, such

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similarity did not mean that Panzarella's art was anticipated by Sullivan or that Sullivan's art was anticipated by Reed (US 3,452,956). How these component parts are designed and function based on their design is what is unique to the art I propose.

After considering your response to my previous arguments regarding my failure to include limitations in my claims which help to distinguish my art from Panzerella and Sullivan, I would suggest that the specifics of claim #20 limit that nature of the base and of the longitudinally and latitudinally extending members demonstrating their difference from Panzarella and Sullivan and sharply narrowing the art claimed. I am not claiming simply a base and some sort of legs/bars/extending members in order to establish two other mounting points. The design of the base and the longitudinally and latitudinally extending members and how those component parts work together are unique.

In conclusion, please consider the claims which I am presenting as revised, as I feel that they address the concerns as specified in your Office Action Summary of 10/16/09.

Regards,

  
James Barnett